

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

JOSE R. RUIZ, SR.,

Plaintiff,

v.

CITY OF BEAUMONT, TEXAS,

Defendant.

§
§
§
§
§
§
§

CIVIL ACTION NO. 1:19-CV-00386-MJT-ZJH

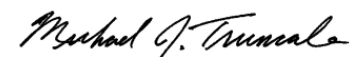
JUDGE MICHAEL J. TRUNCALE

ORDER ADOPTING REPORT AND RECOMMENDATION

On August 29, 2019, the Court referred this case to United States Magistrate Judge Hawthorn for pretrial management. On August 17, 2022, Plaintiff's counsel filed a Suggestion of Death of the Plaintiff, Jose R. Ruiz, Sr. [Dkt. 24]. On August 18, 2022, Judge Hawthorn issued an Order Administratively Closing this Case pursuant to Federal Rule of Civil Procedure 25(a). [Dkt. 25]. Ninety days elapsed and Plaintiff's counsel failed to move for substitution of the plaintiff. On November 18, 2022, Judge Hawthorn issued his Report and Recommendation recommending dismissing the case with prejudice pursuant to Rule 25(a). [Dkt. 26]. The Court has received and considered the report. The parties have not filed objections to the report and recommendation, and the time for doing so has passed. *See* 28 U.S.C. § 636(b)(1).

It is therefore **ORDERED** that Judge Hawthorn's Report and Recommendation Dismissing the Case with Prejudice [Dkt. 26] is **ADOPTED**, and Plaintiff Jose R. Ruiz, Sr.'s Complaint [Dkt. 1] is **DISMISSED WITH PREJUDICE**. The Court will issue a Final Judgment separately.

SIGNED this 5th day of January, 2023.



Michael J. Truncala
United States District Judge